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FILED

2007 SEP -4 PM 12:56

RICHARD A. LAKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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 TIM DUBNAU and HUGH WOLFE

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 MCI, LLC) No. CV-06-80319-MISC -CW
 14 Plaintiff,)
 15 v.) WITHDRAWAL OF MOTION TO
 16 JOHN DOE) QUASH AND REQUEST THAT CASE
 17 Defendants.) BE CLOSED
 18)
 19)
 20)
 21)
 22)
 23)
 24)
 25)
 26)
 27)
 28)

Movants Wolfe and Dubnau hereby notify the Court that the subpoena that was the subject of their motion to quash has been withdrawn (as indicated on the attached Exhibit A). Accordingly, as their motion to quash the subpoena is now moot, movants Wolfe and Dubnau withdraw that motion to quash and respectfully request that the Court direct the Clerk to close this case (which was filed as a miscellaneous action solely for the purpose of litigating the now moot motion to quash). A proposed form of Order is attached hereto as Exhibit B for the convenience of the Court.

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1 WHEREFORE, Movants Dubnau and Wolfe respectfully request that the Court direct the
2 Clerk to note that they have withdrawn their motion to quash and to close this case.

3 Dated: September 4, 2007

4 WEINBERG, ROGER & ROSENFELD
5 A Professional Corporation

6 By: 
7 DAVID A. ROSENFELD
8 Attorneys for Movants
9 TIM DUBNAU and HUGH WOLFE

10 BREDHOFF & KAISER PLLC

11 By: per telephone authorization 08.31.07
12 ALICE O'BRIEN
13 Attorneys for Movants
14 TIM DUBNAU and HUGH WOLFE

15 114712/464440

16 Dated: 9/5/07



28

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August 24, 2007

Via Fax

Yahoo! Inc.
ATTN: Jeff Stanford
701 First Ave
Sunnyvale, CA 94089
(408) 349-3301

Re: Withdrawal of subpoena issued in MCI v. John Doe (1:06CV1161 E.D. VA) Ref# 64237

Dear Mr. Stanford:

Please be advised that MCI's subpoena to Yahoo! in the above referenced matter is hereby being withdrawn. The underlying lawsuit has been settled and a stipulated final judgment has been entered by the Court resolving the issues that prompted us to subpoena Yahoo!. As a result, my client no longer needs to obtain the additional information from Yahoo! sought by the subpoena reference #64237. Thank you very much for your diligence and professionalism in this matter. I appreciate your courtesies. Please contact me if you have any questions about this matter at 703.243.8102.

Very truly yours,

A handwritten signature in black ink that reads "Jon Praed".

Jon L. Praed
Internet Law Group

cc: Alice O'Brien, Esq. (counsel for defendants)

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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 MCI, LLC) No. CV-06-80319-MISC
19 Plaintiff,) [PROPOSED] ORDER CLOSING CASE
20 v.)
21 JOHN DOE)
22 Defendants.)
23 _____)

24 The Court hereby notes that Movants Wolfe and Dubnau have withdrawn the motion to
25 quash that was the subject of this miscellaneous action and therefore directs the Clerk to close this
26 case.

27 IT IS SO ORDERED.

28 Dated: _____

29 JUDGE

30 114712/468276

PROOF OF SERVICE

I am a citizen of the United States, and a resident of the State of California. I am over the age of eighteen years, and not a party to the within action. My business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On September 4, 2007, I served upon the following parties in this action:

Alice O'Brien
Bredhoff & Kaiser PLLC
805 15th Street NW
Washington, DC 20005

Jon L. Praed
Internet Law Group
4121 Wilson Boulevard, Suite 101
Arlington, VA 22203

copies of the document(s) described as:

WITHDRAWAL OF MOTION TO QUASH AND REQUEST THAT CASE BE CLOSED

BY MAIL I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

BY PERSONAL SERVICE I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused the same to be delivered by hand to the offices of each addressee.

BY OVERNIGHT DELIVERY SERVICE I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and placed the same for collection by Overnight Delivery Service by following the ordinary business practices of Weinberg, Roger & Rosenfeld, Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of Overnight Delivery Service correspondence, said practice being that in the ordinary course of business, Overnight Delivery Service correspondence is deposited at the Overnight Delivery Service offices for next day delivery the same day as Overnight Delivery Service correspondence is placed for collection.

BY FACSIMILE I caused to be transmitted each document listed herein via the fax number(s) listed above or on the attached service list.

I certify that the above is true and correct. Executed at Alameda, California, on September 4, 2007.


Jennifer Koffler

114712/453671